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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,248	04/04/2001	David R. Hembree	MI22-1684\US	2645

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EXAMINER

NGUYEN, VINH P

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,248

Applicant(s)

HEMBREE, DAVID R.

Examiner

VINH P NGUYEN

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 89-124 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 89-124 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 89-107 and 115-124 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 89,98 and 115, it is unclear how the semiconductor device is interrelated and associated with the circuitry of the wafer and the circuitry of the workpiece holder. Furthermore, it is unclear how the semiconductor device is interrelated and associated with the communicating step.

The dependent claims not specifically address share the same indefiniteness as they depend from rejected base claims.

2. Claims 89-124 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It appears that the specification does not have support for the limitation of "processing the wafer within the workpiece processing apparatus to form at least one semiconductor device" as recited in claim 89, the limitation of "processing the workpiece within the workpiece processing apparatus to form the semiconductor device" as recited in claim 98 and the limitation of "providing a workpiece processing apparatus adapted to process a workpiece to form a semiconductor device" as recited in claim 115.

From the specification, the production workpiece is the one can be processed to form at least one semiconductor device (see page 7, lines 13-17). Furthermore, the wokpiece/wafer (20) is defined as "a calibration workpiece which includes at least one temperature sensor (23) for sensing the temperatures at plural positions across surface (21) of the calibration workpiece (20). It appears that this calibration workpiece is different from the production work piece (80) and this calibration workpiece (20) can not be processed to form at least one semiconductor device as mentioned in the instant claims.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 89-91,93-96,98-102,104-106,108-113,115-117,119-123(insofar as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Barnes et al (Pat # 5,670,066).

As to claims 89,91,95,98-102,108-109,111,115,117,119,122, Barnes et al disclose an apparatus as shown in figure 1 having a Semiconductor wafer/workpiece (32) and workpiece holder (30) for supporting the wafer and for making contact with the bottom surface of the wafer (32). It is noted that the electrodes (34,38) are considered as "circuitry of the workpiece holder (30) and the wafer (32) would inherently has circuitry at its bottom. According to Barnes et al,

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the wafer (32) is electrically coupled to the electrodes (34,38) of the workpiece holder (30) and the circuitry of the wafer communicates with the circuitry (34,38) of the workpiece holder (30).

As to claims 90,110,116,120, it appears that the circuitry of the wafer and the circuitry of the workpiece holder is coupled at a surface of the wafer (32) and the surface of the workpiece (30).


As to claims 93,104, it appears that the communicating takes place during the plasma process.

As to claims 94,112,121,105, it appears that the electrode (38) would be qualified as "an intermediate member since it is located between the wafer (32) and the other electrode (34).

As to claims 96,106,113,123, it appears that the communicating signals from the circuitry (34,38) of the workpiece holder (30) are information.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is (703) 305-4914.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900 .


VINH P. NGUYEN
PRIMARY EXAMINER
ART UNIT 2829
08/06/03